

**Amendments to the Claim:**

We claim

1. (Original): An isolated nucleic acid having at least 30% sequence identity to SEQ ID NO:1.
2. (Original): An isolated nucleic acid having at least 30% sequence identity to SEQ ID NO:2.
3. (Currently Amended): A nucleic acid construct comprising the nucleic acid of claim 1 ~~or claim 2~~ operably linked to a heterologous nucleic acid.
4. (Original): A transgenic plant cell containing the nucleic acid construct of claim 3.
5. (Original): A transgenic plant containing the nucleic acid construct of claim 3.
6. (Original): A method of making a transgenic plant cell, comprising:  
introducing the nucleic acid construct of claim 3 into a plant cell; and  
selecting a plant cell that contains said nucleic acid construct.
7. (Original): A method of making a transgenic plant, comprising introducing the nucleic acid construct of claim 3 into a plant.
8. (Original): The isolated nucleic acid of claim 1, wherein said nucleic acid has 75% or greater sequence identity to SEQ ID NO:1.
9. (Original): The isolated nucleic acid of claim 8, wherein said nucleic acid has 95% or greater sequence identity to SEQ ID NO:1.
10. (Original): The isolated nucleic acid of claim 9, wherein said nucleic acid is SEQ ID NO:1.
11. (Original): The isolated nucleic acid of claim 2, wherein said nucleic acid has 75% or greater sequence identity to SEQ ID NO:2.
12. (Original): The isolated nucleic acid of claim 11, wherein said nucleic acid has 95% or greater sequence identity to SEQ ID NO:2.
13. (Original): The isolated nucleic acid of claim 12, wherein said nucleic acid is SEQ ID NO:2.
14. (Original): The isolated nucleic acid of claim 1, wherein said isolated nucleic acid is at least 50 nucleotides in length.

15. (Original): The isolated nucleic acid of claim 1, wherein said isolated nucleic acid is at least 100 nucleotides in length.
16. (Original): The isolated nucleic acid of claim 1, wherein said isolated nucleic acid is at least 500 nucleotides in length.
17. (Original): The isolated nucleic acid of claim 2, wherein said isolated nucleic acid is at least 50 nucleotides in length.
18. (Original): The isolated nucleic acid of claim 2, wherein said isolated nucleic acid is at least 100 nucleotides in length.
19. (Original): The isolated nucleic acid of claim 2, wherein said isolated nucleic acid is at least 500 nucleotides in length.
20. (Original): The isolated nucleic acid of claim 8, wherein said nucleic acid has 85% or greater sequence identity to SEQ ID NO:1.
21. (Original): The isolated nucleic acid of claim 9, wherein said nucleic acid has 98% or greater sequence identity to SEQ ID NO:1.
22. (Original): The isolated nucleic acid of claim 11, wherein said nucleic acid has 85% or greater sequence identity to SEQ ID NO:2.
23. (Original): The isolated nucleic acid of claim 12, wherein said nucleic acid has 98% or greater sequence identity to SEQ ID NO:2.
24. (New): A nucleic acid construct comprising the nucleic acid of claim 2 operably linked to a heterologous nucleic acid.